



Docket No.: A8130.0011
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Reinhold Schmieding

Application No.: 09/981,752

Confirmation No.: 6145

Filed: October 19, 2001

Art Unit: 3626

For: METHOD OF SELLING PROCEDURE
SPECIFIC ALLOGRAFTS AND ASSOCIATED
INSTRUMENTATION

Examiner: L. Najarian

DECLARATION OF REINHOLD SCHMIEDING UNDER 37 CFR § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Reinhold Schmieding declare and state as follows:

1. I, Reinhold Schmieding reside at 63 Eugenia Drive, Naples, Florida 34108.
2. I am the sole inventor of the above-identified U.S. patent application ("the '752 application").
3. I have reviewed and understand the '752 application, including the currently-pending claims and amendments ("the Claimed Invention").
4. Arthrex, Inc. is the assignee of the '752 application, as shown by the attached Patent Application Assignment (Exhibit A).
5. I conceived of and actually reduced to practice the Claimed Invention at least as early as April 4, 2000, as evidenced by the attached invoice dated April 4, 2000 from Arthrex

Tissue Systems, Inc. ("ATSI") to Alexian Brothers Medical Center ("the Medical Provider"), for charges related to the excision and processing of tissue and for procedure specific training, in-service and instrumentation usage. Exhibit B.

6. The specific tissue which was sold under the attached invoice (Exhibit B) is a fresh hemi-condyle allograft (Item No. 8000) ("the Allograft").

7. ATSI received a request from the Medical Provider for the Allograft along with specifications and conditions of the patient who would be receiving the Allograft.

8. The Allograft was then customized at a tissue bank per the specifications and conditions of the patient as well as per the surgical procedure to be performed on the patient.

9. The Allograft was harvested and customized at the Miami Tissue Bank.

10. After customization, the Allograft was shipped to the Medical Provider on April 4, 2000.

11. Graft specific surgical instrumentation was loaned and shipped to the Medical Provider on April 4, 2000.

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All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. All statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified patent.

Date: 4/30/08

By: 
Reinhold Schmieding

PATENT APPLICATION ASSIGNMENT
SOLE AND JOINT INVENTORS

OFGS FILE NO. P/1493-443

WHEREAS, I, Reinhold Schmieding, as assignor, have invented certain improvements in METHOD OF SELLING PROCEDURE SPECIFIC ALLOGRAFTS AND ASSOCIATED INSTRUMENTATION for which an application for United States Letters Patent has been executed by me of even date herewith; and

WHEREAS, Arthrex, Inc. a corporation of Delaware, with a place of business at 2885 South Horseshoe Drive, Naples, FL 34104, as assignee, is desirous of acquiring all right, title and interest in and to said invention and any Patent that may be granted therefor.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, I, as assignor, hereby sell, assign and set over to said assignee the entire right, title and interest for the United States and all other countries in and to said invention and the aforesaid application for Patent, all original, divisional, continuation, substitute or reissue applications and patents applied for or granted therefor in the United States and all other countries, including all rights of priority from the filing of said application, and all rights for past infringement, and the Commissioner of Patents and Trademarks is hereby authorized and requested to issue all patents on said inventions or resulting therefrom to said assignee herein, as assignee of the entire interest therein; and the undersigned for myself and my legal representatives, heirs and assigns do hereby agree and covenant without further remuneration, to execute and deliver all divisional, continuation, reissue and other applications for Patent on said inventions and all assignments thereof to said assignee or its assigns, to communicate to said assignee or its representatives all facts known to the undersigned respecting said inventions, whenever requested, to testify in any interferences or other legal proceedings in which any of said applications or patents may become involved, to sign all lawful papers, make all rightful oaths, and to do generally everything necessary to assist assignee, its successors, assigns and nominees to obtain patent protection for said invention in the United States and all other countries, the expenses incident to said applications to be borne and paid by said assignee.

Date: 10-18-01

Reinhold Schmieding

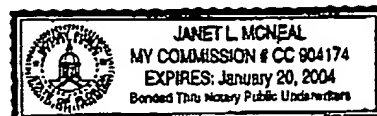
STATE OF Florida)

) ss.:

COUNTY OF Collier)

This 18th day of October, 2001, before me personally came the above-named Reinhold Schmieding to me personally known as the individual who executed the foregoing instrument, who acknowledged to me that the same was executed by him of his own free will for the purposes therein set forth.

Notary Public - Seal





INVOICE 04/04/00 10002

Print Date: 04/25/08

Revision: 0

Page: 1

dhall

Bill To: 07000948

Ship To: 07000948

ALEXIAN BROTHERS MED. CTR.

ALEXIAN BROTHERS MED. CTR.

800 BIESTERFIELD ROAD

800 BIESTERFIELD ROAD

ELK GROVE VILLAGE, IL 60007

ELK GROVE VILLAGE, IL 60007

UNITED STATES

UNITED STATES

Sales Order: 10012

Ship Date: 04/04/00

Order Date: 04/03/00

Purchase Order: 131861

Salesperson(s): MEDWEST MEDW001

Ship To: 07000948

Ship Via:

Credit Terms: 3%/15

BOL: 2789306371

3% 15 DAYS NET 30

FOB Point: SHIPPING POINT

Resale:

Remarks:

This invoice is for charges related to the excision and processing of tissue and for procedure specific training, in-service and instrumentation usage. There is no charge for the human tissue which is provided as part of the ATSI comprehensive system.

| Item Number | UM | Shipped | Qty | B/O Tax | Price | Extended Price |
|-------------|----|---------|-----|---------|----------|----------------|
| 8000 | EA | 1.0 | 0.0 | Yes | 7,950.00 | 7,950.00 |

*** DUPLICATE ***

| | | | |
|--------------------|-----------------|-------------|----------|
| Non-Taxable: 0.00 | Currency: USD | Line Total: | 7,950.00 |
| Taxable: 8,037.00 | 0.00% Discount: | | 0.00 |
| Tax Date: 04/04/00 | FEDEX FX : | | 87.00 |
| Containers: 0.00 | UPS UP : | | 0.00 |
| Line Charges: 0.00 | MISC MS : | | 0.00 |
| | Total Tax: | 496.88 | |
| | Total: | 8,533.88 | |